

REMARKS

2. The specification is objected to under 37 CFR §1.71 as being confusing and difficult to comprehend the invention and compare it with the prior art. Specifically, the present Examiner indicates that it “is unclear how an edge angle of about 40 to 50 degrees provides an increase in safety”.

37 CFR §1.71 provides that the specification “must include a written description of the invention or discovery of the invention and of the manner and process of making and using the same”. Applicants direct the Examiner to paragraphs 10 and 14-17 of the present application which specifically detail the structure of the present invention and an example of how the cutting blade may be manufactured. The information provided for this simplistic invention is more than adequate for a person of skill in the art to make and use the same.

37 CFR §1.71 further provides that the specification “must set forth the precise invention for which a patent is solicited, in such a manner as to distinguish it from other inventions and from what is old”. As stated above, paragraphs 10 and 14-17 provide detailed information more than adequate for a person of skill in the art to make and use the same. Applicants further direct the Examiner to the “Background Information” and paragraphs 9-11 of the “Disclosure of The Invention” sections of the present application. The shortcomings of the prior art are specifically disclosed within the Background section. The advantages of the present invention, including the manner in which it overcomes the shortcomings of the prior art, are disclosed in detail within paragraphs 9-11. As an example, paragraph 3 details a safety problem created by a rotary cutter having a nip point created by large diameter rotary cutter. Paragraph 9 discloses how the geometry of the present invention increases the safety of the rotary cutter by significantly decreasing the size of the nip point.

Paragraph 9 also discloses one of the reasons why the edge angle of the present invention rotary cutter makes the present invention rotary cutter safer to use than the thin, sharp edged rotary cutters known in the prior art:

The broad edge angle of the present cutting blade also makes the cutter safer to use, while still effective as a thin sheet material cutter. A compliant material that is easily cut by a razor-type blade, for example, will not readily be cut by the present blade because thickness of the present blade engages more material. A thin sheet material resting on top of a hard surface, in contrast, is easily cut by the present cutter because only the point portion of the blade's cutting edge engages the material.

Consequently the present application not only discloses the invention in sufficient detail, but also discloses the significance of the geometry of the rotary cutter blade.

The sufficiency of the present disclosure is also clear from the lengthy prosecution to date. The present application has been the subject of five (5) office actions and a decision from the Board of Patent Appeals and Interferences. None of the Office Actions nor the Board's decision raise a lack of enablement issue as is now raised by the present Examiner. In fact, the Board's opinion specifically discusses the performance characteristics provided by the present invention, and that adequate support is found in the prosecution history of the present application.

In view of the above, applicants request the Examiner withdraw the stated objection.

4. Claims 1, 4-6, 13, and 25-30 are rejected under 35 U.S.C. §112, first paragraph, as containing subject matter which was not described in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicants direct the Examiner to the comments above regarding enablement. For those reasons at least, applicants request the present rejection be withdrawn.

Regarding the Examiner's inquiries about edge angle outside the range claimed, it is respectfully submitted that the applicants have provided adequate disclosure to enable one of skill in the art to make and use the claimed invention. In addition, the present application provides specific information regarding why the present invention is distinguishable from the prior art. Applicants have no obligation to provide disclosure

regarding devices not claimed. Applicants did, however, provide additional support for the original disclosure by way of 37 CFR §1.132 declarations which compare rotary cutting blades within the claimed range to rotary cutting blades outside the claimed range. Consequently, the disclosure of the present specification is more than adequate to enable one of skill in the art to make and use the claimed invention.

In view of the above, applicants respectfully submit that the rejection has been completely traversed, and request that the rejection be withdrawn.

6. Claims 1, 4-6, 13 and 25-30 are rejected under 35 U.S.C. §102(b) as being unpatentable over U.S. Patent No. 4,733,472 issued to Belcourt (hereinafter referred to as "Belcourt"). Applicants respectfully disagree with the Examiner's characterization of Belcourt and the rejection based thereon.

Independent claims 1, 13, and 25 recite a rotary cutter for cutting thin sheet materials. Claim 28 recites a rotary cutting blade for cutting thin sheet materials. Thin sheet materials are defined in the present specification as including paper, cloth, and plastic. The device disclosed by Belcourt is a can opener blade for metal cans. There is no disclosure of a thin sheet material cutter. Consequently, Belcourt cannot anticipate claims 1, 4-6, 13 and 25-30. To emphasize the type of rotary cutter and rotary cutter blade presently claimed, applicants have also amended independent claims 1, 13, 25 and 28 to specify that the rotary cutter is for cutting thin non-metallic sheet materials. The addition of the "non-metallic" limitation to the aforesaid claims illustrates the fundamental difference between the cited reference and the claimed device. The can opener reference can not be used to cut the non-metallic thin sheet materials.

In addition, claims 1, 13, 25 and 28 have been amended to recite that the cutting blade is symmetrical. There is no disclosure within Belcourt of a symmetrical blade. Indeed, the blade of Belcourt is intended to follow the circumference of a can in one direction only. The symmetrical geometry of the present thin non-metallic sheet material rotary cutter blade, in contrast, enables the cutter to cut along almost any geometry in any direction.

For at least the reasons above, applicants respectfully request the present rejection be withdrawn.

7. Claims 1, 4, 5 and 28-30 are rejected under 35 U.S.C. §102(b) as being unpatentable over U.S. Patent No. 5,758,426 issued to Richter (hereinafter referred to as "Richter"). Applicants respectfully disagree with the Examiner's characterization of Richter and the rejection based thereon.

Independent claim 1 recites a hand-held rotary cutter for cutting thin sheet materials. Claim 28 recites a rotary cutting blade for cutting thin sheet materials. Thin sheet materials are defined in the present specification as including paper, cloth, and plastic. The device disclosed by Richter is a rotary can opening cutter for metal cans. There is no disclosure of a thin sheet material cutter. Consequently, Richter cannot anticipate claims 1 and 28. To emphasize the type of rotary cutter and rotary cutter blade presently claimed, applicants have also amended independent claims 1 and 28 to specify that the rotary cutter is for cutting thin non-metallic sheet materials. The addition of the "non-metallic" limitation to the aforesaid claims illustrates the fundamental difference between the cited reference and the claimed device. The can opener reference can not be used to cut the non-metallic thin sheet materials.

In addition, claim 1 recites a handle having a hand grip portion. There is no disclosure within Richter of a rotary cutter having a handle with a hand grip portion. The stem 15 disclosed by Richter is for connection to a motive engine.

New claims 31 and 32 claim subject matter disclosed within the specification as filed, that further defines the present invention over the cited prior art.

For at least the reasons above, applicants respectfully request the present rejection be withdrawn.

9. Claims 1, 4-6, 13 and 25-30 are rejected under 35 U.S.C. §103(a) as being unpatentable over Belcourt in view of U.S. Patent No. 5,581,897 issued to Liebscher (hereinafter referred to as "Liebscher").

Applicants direct the Examiner to the comments above directed toward Belcourt. Applicants respectfully submit that the addition of Liebscher does not provide the elements identified as missing relative to the claimed device. Consequently, applicants

respectfully submit that the claimed invention is not obvious in view of Belcourt, Liebscher, or the combination thereof.

As applicants have traversed the objection and rejections raised by the Examiner, it is respectfully requested that the Examiner withdraw the stated rejections, allow claims 1, 4-6, 13 and 25-30, and pass the present application on to issuance. Applicants do not believe any fee is due with this response. In the event any additional fee is due, please charge our Deposit Account No. 50-3381.

Respectfully submitted,

By Richard D. Getz
Richard D. Getz
Registration No. 36,147
Attorney for the Applicants

O'Shea, Getz & Kosakowski, P.C.
1500 Main Street, Suite 912
Springfield, MA 01115
413-731-3100